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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/707,726	11/07/2000	Adrian Evans Conway	99-319	9820
32127	7590	10/05/2004	EXAMINER	
VERIZON CORPORATE SERVICES GROUP INC.			PHILPOTT, JUSTIN M	
C/O CHRISTIAN R. ANDERSEN			ART UNIT	
600 HIDDEN RIDGE DRIVE			PAPER NUMBER	
MAILCODE HQEO3H14			2665	
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Please find below and/or attached an Office communication concerning this application or proceeding.

K.D

**Office Action Summary**

Application No.

09/707,726

Applicant(s)

CONWAY, ADRIAN EVANS

Examiner

Justin M Philpott

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 November 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 8-11, 14-17, 21-24, 28 and 29 is/are rejected.
- 7) ☒ Claim(s) 5-7, 12, 13, 18-20 and 25-27 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 November 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Objections*

1. Claims 5, 12, and 18 are objected to because of the following informalities: reference is made (e.g., at lines 6 and 7 of claims 5 and 18; and at lines 7 and 8 of claim 12) to a value “\*(i)” in the equation (e.g., at line 3 of claims 5 and 18; and at line 4 of claim 12), however the equation does not comprise a value “\*(i)”. Thus, it is unclear to which variable “\*(i)” refers. Appropriate correction is required.
2. Claims 6, 7, 13, 19, 20 and 25-27 are objected to for their dependencies on one or more of the objected claims 5, 12 and 18.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 8, 14, 21 and 29 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,747,953 to Qureshi et al.

Regarding claims 1, 8, 14, 21 and 29, Qureshi teaches a method for estimating the grade of service GoS and offered traffic for voice internet protocol VoIP calls (e.g., via IP packet voice

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gateways PVG, see col. 4, lines 23-43) at a gateway bridging calls between a public switched telephone network and an internet protocol network (e.g., see col. 4, line 43 – col. 5, line 35 regarding PSTN and IP network), the gateway having a dial-control management information base (e.g., see col. 6, lines 33-35 regarding Management Information dataBase MIB modules), the method comprising the steps of: periodically polling a dial-control management information base for dial peer traffic statistics (e.g., see col. 6, line 33 – col. 7, line 67 regarding statistics in the form of parameter entries in MIB modules, obtained from monitoring by network congestion management NCM; see also Polling Interval T at col. 7, line 28); storing the polled data (e.g., see col. 7, lines 36-42 regarding NCM storing congestion information); estimating the carried traffic using the polled data (e.g., see col. 9, lines 1-45 regarding estimating  $\lambda$ ); estimating the grade of service by utilizing the Erlang-B formula in an inverse manner, operating on the estimated carried traffic obtained in the first estimating step (e.g., see col. 9, lines 46-63 and col. 8, lines 42-65 regarding Erlang blocking formula for determining the blocking rate utilizing  $\lambda$ ); and estimating the offered traffic (e.g.,  $\rho$ ) using the estimated values for the carried traffic and the grade of service (e.g., represented by  $\beta$ ) obtained in the previous estimation steps (e.g., see col. 11, line 47 – col. 12, line 8 regarding modeling for the offered load according to equations 1a and 2a which solve for  $\rho$  and  $\beta$ ).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2, 9, 15 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Qureshi in view of U.S. Patent No. 6,366,961 to Subbiah et al.

Regarding claims 2, 9, 15 and 22, Qureshi teaches the method discussed above regarding claims 1, 8, 14, 21 and 29, and further teaches on the IP side of the gateway the call is carried over RTP which is encapsulated in IP packets (e.g., see col. 18, lines 28-53). While Qureshi may not specifically disclose RTP/UDP is utilized, Subbiah teaches that typically, RTP runs on top of UDP protocol, i.e. RTP/UDP is utilized, in the art of IP telephone calls (e.g., see col. 2, lines 1-19) and further teaches a method for improved multiplexing and demultiplexing for IP based telephony networks (e.g., see col. 3, line 1 – col. 4, line 11). Thus, at the time of the invention it would have been obvious to one of ordinary skill in the art apply the teachings of Subbiah to the method of Qureshi in order to utilize RTP/UDP in the IP-based telephony network of Qureshi since Qureshi teaches the call is carried over RTP and since it is well known in the art, according to Subbiah, that RTP typically runs on top of UDP protocol, and further, since Subbiah further provides for improved multiplexing and demultiplexing for IP based telephony networks (e.g., see col. 3, line 1 – col. 4, line 11).

7. Claims 3, 10, 16 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Qureshi in view of the publication by Helgert entitled, "Integrated Services Digital Networks" (Addison-Wesley, 1991), previously cited by applicant.

Regarding claims 3, 10, 16 and 23, Qureshi teaches the method discussed above regarding claims 1, 8, 14, 21 and 29, however, may not specifically disclose two or four ISDN

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interfaces each supporting 23 B channels. However, Helgert provides general well known teachings of the art and specifically teaches that it is well known in the art to provide ISDN interfaces each supporting 23 B channels (e.g., see page 54, table 3.2). Thus, the time of the invention it would have been obvious to one of ordinary skill in the art to apply the teachings of Helgert to the method of Qureshi to include two or four interfaces supporting 23 B channels in the system of Qureshi, since Helgert provides general well known teachings of the art and specifically teaches it is well known in the art to implement ISDN interfaces supporting 23 B channels.

8. Claims 4, 11, 17 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Qureshi in view of RFC 2128, "Dial Control Management Information Base using SMI v2" (March 1997), previously cited by applicant.

Regarding claims 4, 11, 17 and 24, Qureshi teaches the method discussed above regarding claims 1, 8, 14, 21 and 29. Further, Qureshi teaches a Management Information Base using SMI and discloses the method is applicable to any MIB protocol (e.g., see col. 5, lines 36-57). RFC 2128 standard is a well known standard for Management Information Base using SMI. Furthermore, it is well known in the art that applying a well known standard, or protocol, to a system provides the system with significantly improved industrial applicability. Thus, at the time of the invention it would have been obvious to one of ordinary skill in the art to apply the RFC 2128 standard to the system of Qureshi, since it is well known in the art that applying a well known standard, or protocol, to a system provides the system with significantly improved industrial applicability.

9. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Qureshi in view of U.S. Patent No. 6,604,075 to Brown et al.

Regarding claim 28, Qureshi teaches the method discussed above regarding claim 21, and teaches the invention comprises a polling interval implicitly corresponding to a measure of a time of day T (e.g., see col. 7, line 28). However, Qureshi may not specifically disclose an interface comprising a web page reports the measures. However, Brown teaches a web page interface reports on gateway measures (e.g., see abstract and col. 2, line 30 – col. 3, line 27). The teachings of Brown provide a web-based interface for improved communications (e.g., see col. 2, lines 22-30 and col. 3, lines 5-27). Thus, at the time of the invention it would have been obvious to one of ordinary skill in the art to apply the teachings of Brown to the method of Qureshi in order to provide a web-based interface for improved communications.

***Allowable Subject Matter***

10. Claims 5-7, 12, 13, 18-20 and 25-27 would be allowable if rewritten to overcome the objections set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

11. The following is a statement of reasons for the indication of allowable subject matter: claims 5, 12 and 18 each recite carried traffic is estimated using a particular equation, wherein such a step was not found in a search of related prior art. Claims 6, 7, 13, 19, 20 and 25-27 depend upon one of claims 5, 12 and 18 and, therefore, also comprise allowable subject matter.

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***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent No. 6,484,145 to Home et al. discloses priority access channel reservation utilizing the Erlang-B formula, and U.S. Patent No. 6,584,191 to MacPartlan et al. discloses staffing-based percentage-allocation routing using real-time data.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin M Philpott whose telephone number is 571.272.3162. The examiner can normally be reached on M-F, 9:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy D Vu can be reached on 571.272.3155. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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